

**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

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In reply refer to Public Notice No.

**200501089**

Issuance Date:

**November 7, 2005**

Stream:

**Lake White**

Closing Date:

**December 7, 2005**

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Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

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**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 10:** The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

**APPLICANTS:** This project is proposed by an association consisting of the following six property owners:

- (1) Dr. and Mrs. Robert Bradley, 161 Vallery Road, Waverly, OH 45690
- (2) Mr. & Mrs. Greg Boyer, 135 Vallery Road, Waverly, OH 45690
- (3) Dr. & Mrs. Tom Lewis, 1111 Symes Court, Royal Oak, MI 38047

- (4) Mr. & Mrs. Jason Nathan, 75 Vallery Road, Waverly, OH 45690
- (5) Ms. Rebecca Esparza, 415 Porter Lane, Key West, FL 33040
- (6) Mr. & Mrs. Dick Ford, 1166 State Route 552, Waverly, OH 45690

**LOCATION:** The proposed project is located in Lake White, Lake White State Park, south of State Route 552 near Waverly, Pike County, Ohio. Lake White is an impoundment of Pee Pee Creek, which is a tributary of the Scioto River.

**DESCRIPTION OF PROPOSED WORK:** The applicants are requesting authorization for the placement of fill material into waters of the United States to facilitate the expansion of six existing residential lots bordering Lake White. The lake frontage of all six lots totals 794 linear feet (lf). The applicants propose to place fill material into Lake White to increase the size of each lot by approximately 15 feet along this 794 lf reach. The purpose of this project is to provide additional usable dry land along each lot and to prevent erosion of this area. Fill material would include clay material, filter fabric, and rock rip rap material. Implementation of the proposal would include the placement of 1,081 cubic yards of fill material into Lake White, affecting 0.27 acres of the lake. Plans of the proposal are attached to this notice.

**WATER QUALITY CERTIFICATION:** A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

**HISTORIC & CULTURAL RESOURCES:** The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. Upon review of this information and considering the location and nature of the proposal, our office has determined the proposed project would have no effect on properties eligible for the National Register of Historic Places. A copy of this public notice will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

**THREATENED & ENDANGERED SPECIES:** This project is located within the known or historic range of the Indiana bat (Endangered) and the timber rattlesnake (Pre-Conservation Plan). The applicants have indicated all vegetation removal will occur during the time of year that will not result in potential impacts to Indiana bat habitat. Suitable habitat for the timber rattlesnake is not present within the proposed project area. The Huntington District has consulted the most recently available information and has determined the project is not likely to affect the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical.

This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

**PUBLIC INTEREST:** Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers  
ATTN: CELRH-OR-F Public Notice No. 200501089  
502 8<sup>th</sup> Street  
Huntington, West Virginia 25701-2070

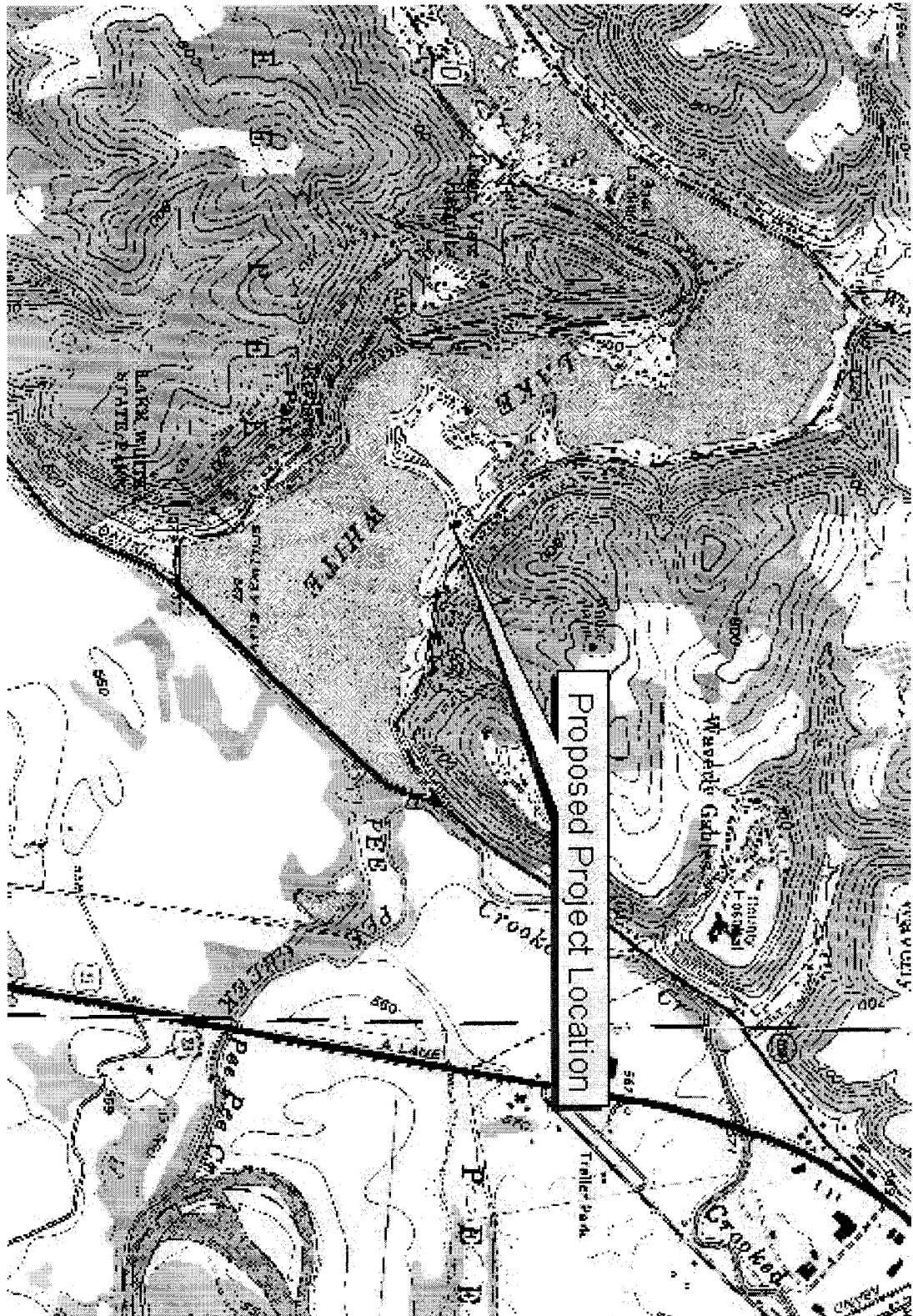
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act.

Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.



Ginger Mullins  
Chief, Regulatory Branch

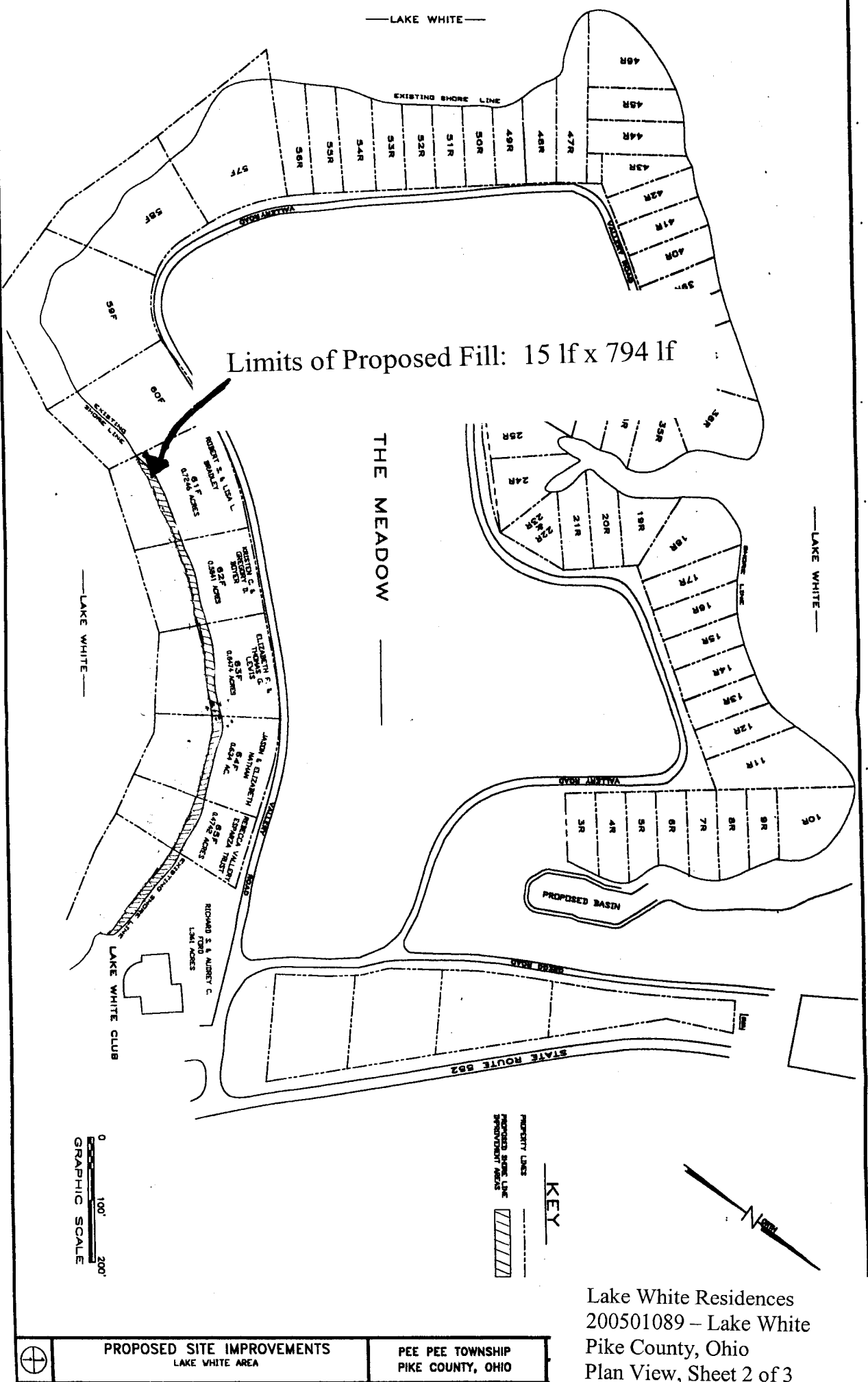
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Piketon USGS Topographic Map

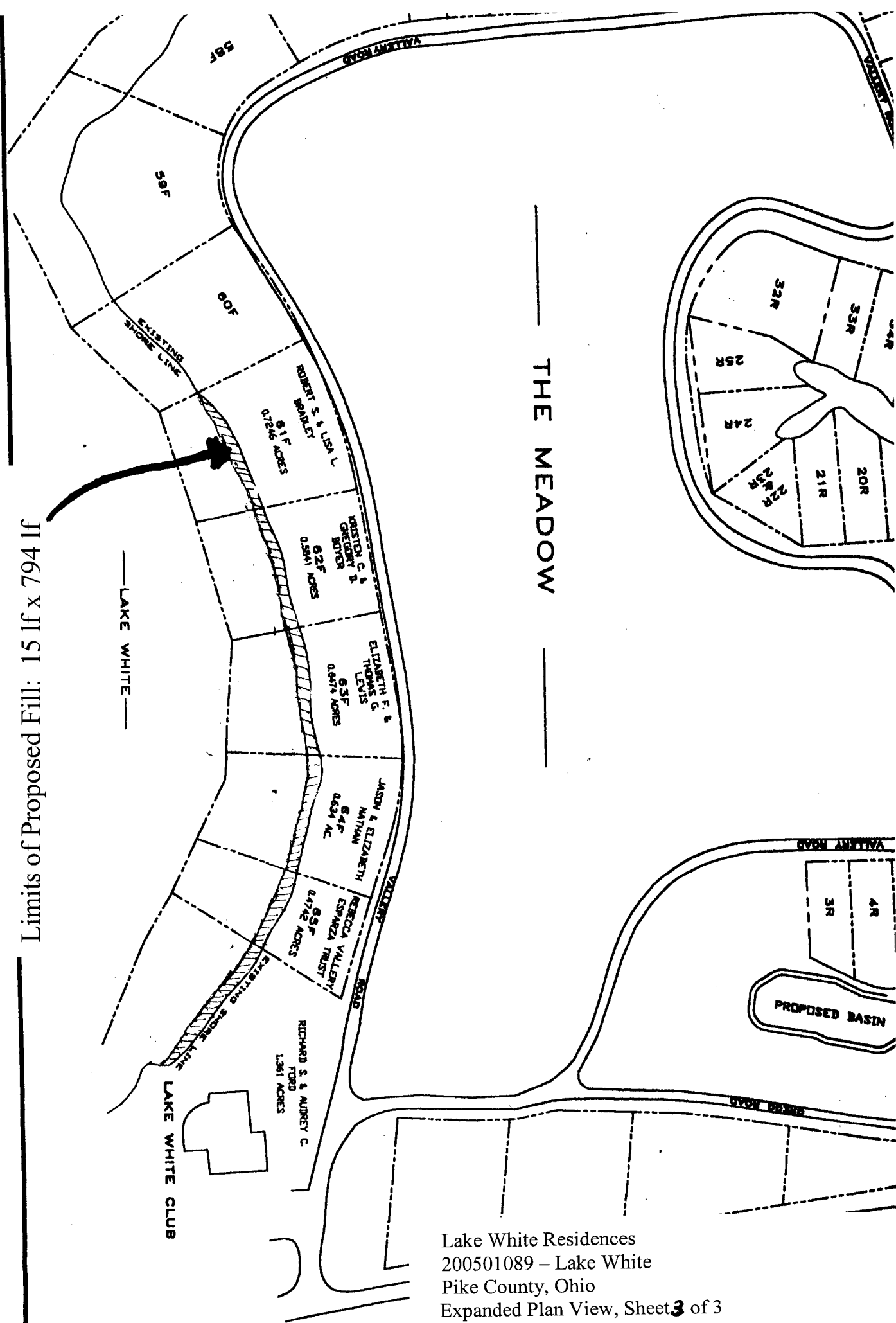
Lake White Residences  
200501089 – Lake White  
Pike County, Ohio  
Location Map, Sheet 1 of 3

*Valley Road Project*



Lake White Residences  
 200501089 – Lake White  
 Pike County, Ohio  
 Plan View, Sheet 2 of 3

Limits of Proposed Fill: 15 lf x 794 lf



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